

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of J. MOORE, Minor.

UNPUBLISHED

April 15, 2014

No. 318766

Kent Circuit Court

Family Division

LC No. 11-051279-NA

Before: STEPHENS, P.J., and SAAD and BOONSTRA, JJ.

PER CURIAM.

Respondent-mother appeals the trial court's order that terminated her parental rights under MCL 712A.19b(3)(c)(i) (conditions of adjudication continue to exist), (g) (failure to provide proper care and custody), and (l) (parental rights to another child previously terminated under the juvenile code). For the reasons stated below, we affirm.

I. ANALYSIS

A. STATUTORY GROUNDS FOR TERMINATION

“In order to terminate parental rights, the trial court must find by clear and convincing evidence that at least one of the statutory grounds for termination in MCL 712A.19b(3) has been met.” *In re VanDalen*, 293 Mich App 120, 139; 809 NW2d 412 (2011). “We review the trial court's determination for clear error.” *Id.* “A finding is clearly erroneous if, although there is evidence to support it, we are left with a definite and firm conviction that a mistake has been made.” *In re HRC*, 286 Mich App 444, 459; 781 NW2d 105 (2009).

On appeal, respondent argues that the trial court clearly erred when it terminated parental rights under MCL 712A.19b(3)(c)(i) and (g), but does not address the termination under MCL 712A.19b(3)(l). Because the trial court need only find that one statutory ground for termination is shown by clear and convincing evidence, respondent's failure to address this point precludes relief, and, standing alone, is reason to affirm the trial court's order. See *In re Moss*, 301 Mich App 76, 80; 836 NW2d 182 (2013).

In any event, the trial court properly terminated her parental rights under MCL 712A.19b(3)(g). This subsection permits termination when: “the parent, without regard to intent, fails to provide proper care or custody for the child and there is no reasonable expectation that the parent will be able to provide proper care and custody within a reasonable time considering the child's age.” MCL 712A.19b(3)(g).

Here, petitioner removed J.M. from respondent's care in March 2011, after he was born with cocaine in his system and respondent admitted she had no income to support him. Though respondent was able to halt her substance abuse from late 2011 to 2012, and regained custody of J.M. in January 2013, she relapsed into crack cocaine use less than two months later. The Department once again removed J.M. from her care soon after, while respondent continued her substance abuse. Respondent also exhibited severe emotional instability during this time period. Further, at the time of termination, she was incapable of providing the "most rudimentary care" for J.M., as she lacked both housing and an income. See *In re C.R.*, 250 Mich App 185, 196; 646 NW2d 506 (2001).

There is no "reasonable expectation" that these circumstances will change. MCL 712A.19b(3)(g). Respondent had custody of J.M. for less than two months in 2013, and was clearly overwhelmed by the responsibility of working and caring for a child—she relapsed into crack cocaine abuse, lost her housing and income, and had to receive professional mental and medical assistance. Further, at the time of termination, J.M. was two and half years old and had spent the majority of his life in foster care.

The trial court thus properly terminated respondent's parental rights under MCL 712A.19b(3)(g).¹

B. BEST INTERESTS OF THE CHILD

"Once a statutory ground for termination has been proven, the trial court must find that termination is in the child's best interests before it can terminate parental rights." *In re Olive/Metts*, 297 Mich App 35, 40; 823 NW2d 144 (2012); MCL 712A.19b(5). We review a trial court's finding that termination is in the minor child's best interests for clear error. *In re HRC*, 286 Mich App at 459. When reviewing best interests, a court may look to evidence that the children were not safe with the parents and that they were thriving in foster care. *In re VanDalen*, 293 Mich App at 141. A trial court may also consider whether the parent has a healthy bond with the minor child when determining best interests. *In re CR*, 250 Mich App at 196-197.

Though J.M. and respondent shared a bond for most of the proceeding, respondent broke the bond during her relapse and failed to regularly attend parenting time between March and July 2013. When respondent began consistently attending parenting-time visitation in August 2013, J.M. was uncomfortable and failed to make eye contact with her. J.M. also exhibited aggressive behavior after these visitations, and he was confused by respondent's inconsistent presence in his life. At the time of termination, respondent and J.M. had not seen one another for three weeks because the trial court suspended parenting time. And, as noted, J.M. had been out of respondent's care for a majority of his life, and the record supports that he had more of a bond with his foster parents than respondent at the time of the termination hearing. Thus, the record

¹ Because the trial court correctly terminated respondent's parental rights under MCL 712A.19b(3)(g), we need not consider the additional statutory grounds on which it based its decision.

establishes that respondent did not have a healthy parent-child bond with the minor child. See *In re CR*, 250 Mich App at 196-197.

Respondent's arguments that she should be given more time to complete services are unconvincing. She continued to struggle with substance abuse at the time of termination. Further, J.M.'s need for permanence and stability is important, and the trial court heard testimony that he was "very happy" in the home of the foster parents, who were interested in adopting him. The foster parents were able to provide the minor child with the stability and permanency that he required and that respondent could not provide. *In re VanDalen*, 293 Mich App at 141. Accordingly, the trial court correctly held that termination of respondent's parental rights was in J.M.'s best interests.

Affirmed.

/s/ Cynthia D. Stephens

/s/ Henry William Saad

/s/ Mark T. Boonstra